

ENGROSSED SENATE BILL No. 169

DIGEST OF SB 169 (Updated March 26, 2003 5:53 PM - DI 109)

Citations Affected: IC 5-14.

Synopsis: School bus drivers under open door law. Allows a governing body in an executive session to receive information about misconduct and discuss the status of a school bus driver, who is an independent contractor, before the governing body makes a determination.

Effective: July 1, 2003.

Lawson C, Bowser

(HOUSE SPONSOR — GOODIN)

January 7, 2003, read first time and referred to Committee on Education and Career Development.

January 16, 2003, reported favorably — Do Pass.

January 23, 2003, read second time, ordered engrossed.

January 24, 2003, engrossed.

January 28, 2003, read third time, passed. Yeas 42, nays 1.

HOUSE ACTION
March 4, 2003, read first time and referred to Committee on Education.
March 27, 2003, reported — Do Pass.



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 169

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

	SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.37-2000
	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
,	JULY 1, 2003]: Sec. 6.1. (a) As used in this section, "public official"
	means a person:
•	(1) who is a member of a governing body of a public agency; or

- (2) whose tenure and compensation are fixed by law and who executes an oath.
- (b) Executive sessions may be held only in the following instances:
 - (1) Where authorized by federal or state statute.
 - (2) For discussion of strategy with respect to any of the following:
- 11 (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
 - (C) The implementation of security systems.
 - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

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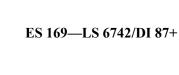
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1	However, all such strategy discussions must be necessary for
2	competitive or bargaining reasons and may not include
3	competitive or bargaining adversaries.
4	(3) For discussion of the assessment, design, and implementation
5	of school safety and security measures, plans, and systems.
6	(4) Interviews with industrial or commercial prospects or agents
7	of industrial or commercial prospects by the department of
8	commerce, the Indiana development finance authority, the film
9	commission, the Indiana business modernization and technology
10	corporation, or economic development commissions.
11	(5) To receive information about and interview prospective
12	employees.
13	(6) With respect to any individual over whom the governing body
14	has jurisdiction:
15	(A) to receive information concerning the individual's alleged
16	misconduct; and
17	(B) to discuss, before a determination, the individual's status
18	as an employee, a student, or an independent contractor who
19	is:
20	(i) a physician; or
21	(ii) a school bus driver.
22	(7) For discussion of records classified as confidential by state or
23	federal statute.
24	(8) To discuss before a placement decision an individual student's
25	abilities, past performance, behavior, and needs.
26	(9) To discuss a job performance evaluation of individual
27	employees. This subdivision does not apply to a discussion of the
28	salary, compensation, or benefits of employees during a budget
29	process.
30	(10) When considering the appointment of a public official, to do
31	the following:
32	(A) Develop a list of prospective appointees.
33	(B) Consider applications.
34	(C) Make one (1) initial exclusion of prospective appointees
35	from further consideration.
36	Notwithstanding IC 5-14-3-4(b)(12), a governing body may
37	release and shall make available for inspection and copying in
38	accordance with IC 5-14-3-3 identifying information concerning
39	prospective appointees not initially excluded from further
40	consideration. An initial exclusion of prospective appointees from

further consideration may not reduce the number of prospective

appointees to fewer than three (3) unless there are fewer than



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1	three (3) prospective appointees. Interviews of prospective	
2	appointees must be conducted at a meeting that is open to the	
3	public.	
4	(11) To train school board members with an outside consultant	
5	about the performance of the role of the members as public	
6	officials.	
7	(12) To prepare or score examinations used in issuing licenses,	
8	certificates, permits, or registrations under IC 15-5-1.1 or IC 25.	
9	(c) A final action must be taken at a meeting open to the public.	
10	(d) Public notice of executive sessions must state the subject matter	
11	by specific reference to the enumerated instance or instances for which	
12	executive sessions may be held under subsection (b). The requirements	
13	stated in section 4 of this chapter for memoranda and minutes being	
14	made available to the public is modified as to executive sessions in that	
15	the memoranda and minutes must identify the subject matter	
16	considered by specific reference to the enumerated instance or	
17	instances for which public notice was given. The governing body shall	
18	certify by a statement in the memoranda and minutes of the governing	
19	body that no subject matter was discussed in the executive session	
20	other than the subject matter specified in the public notice.	
21	(e) A governing body may not conduct an executive session during	
22	a meeting, except as otherwise permitted by applicable statute. A	
23	meeting may not be recessed and reconvened with the intent of	
24	circumventing this subsection.	

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 169 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 13, nays 0.

C O P

